

CR 07 00305
UNITED STATES DISTRICT COURT **FILED**

NORTHERN DISTRICT OF CALIFORNIA MAY 16 P 2:48

~~SEALED BY ORDER
OF THE COURT~~

SAN JOSE DIVISION

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

THE UNITED STATES OF AMERICA

v.

TONY XIAOLIANG WANG,

INDICTMENT

COUNTS ONE THROUGH THREE: Mail Fraud (18 U.S.C. § 1341)

COUNTS FOUR THROUGH NINE: Wire Fraud (18 U.S.C. § 1343)

A true bill.

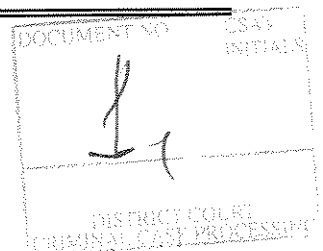

Foreperson

Filed in open court this 16 *day of* May

A.D. 2007


UNITED STATES MAGISTRATE JUDGE

Bail. \$ No bail arrest warrant



SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

FILED

2007 MAY 16 P 2:45

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.D.

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SEALED BY ORDER
OF THE COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

TONY XIAOLIANG WANG,

Defendant.

CR 07 00305

No.

VIOLATIONS: 18 U.S.C. § 1341 – Mail
Fraud; 18 U.S.C. § 1343 – Wire Fraud

SAN JOSE VENUE

UNDER SEAL

INDICTMENT

The Grand Jury charges:

Introduction

1. Beginning in and around February 2003 and continuing through June 2005, in the Northern District of California and elsewhere, defendant Tony Xiaoliang Wang (“Wang”) did knowingly and intentionally devise and execute a scheme and artifice to defraud his customers as to material matters, and to obtain money by means of materially false and fraudulent pretenses, representations, promises, and omissions.

The Scheme and Artifice to Defraud

2. The gist of the scheme and artifice to defraud was that Wang would and did advertise various items, that he had no intention of delivering, for sale on the Internet auction

INDICTMENT
U.S. v. WANG

1 sites, www.eBay.com and www.yahoo.com, agree to sell these items to bidders, receive payment
2 from these bidders, and then never send any of the items to the bidders.

3 3. As part of his scheme and artifice to defraud, Wang established multiple
4 eBay and Yahoo accounts, including but not limited to Coolexus2001, csl777777, J_snow66 and
5 mwmwmwmwm3, and used these accounts to post advertisements on www.eBay.com or
6 www.yahoo.com. In these auction postings, Wang represented that he would sell various items,
7 such as Rolex watches, golf clubs, and navigation-television interface kits, to the highest bidder,
8 all the while knowing that such representations were false and fraudulent because he had no
9 intention of sending these items.

10 4. It was also part of his scheme that after the auction had concluded, Wang would
11 and did contact the winning bidder of these auctions to request payment. On occasion, Wang
12 also contacted other individuals who had bid on the items and offered to sell the items to them.
13 Once payment had been received, Wang then contacted the bidder and falsely and fraudulently
14 stated that the item was being sent, all the while intending merely to take the victim's payment
15 without delivering the item. The bidders never received the item for which they paid.

16 COUNTS ONE THROUGH THREE: (18 U.S.C. § 1341– MAIL FRAUD)

17 5. The factual allegations contained in paragraphs 1 through 4 are realleged and
18 incorporated as if fully set forth herein and in each of Counts One through Three below.

19 6. On or about the dates set forth below, in the Northern District of California and
20 elsewhere, the defendant

21 TONY XIAOLIANG WANG,

22 having devised and intending to devise a scheme and artifice to defraud and obtain money by
23 means of materially false and fraudulent pretenses, representations, and promises, as described
24 above, and for the purpose of executing said scheme and artifice and attempting so to do, did
25 knowingly cause to be delivered by the United States Postal Service, the items listed below to the
26 destinations listed below:

27 ///

<u>Count</u>	<u>Approximate Date of Mailing</u>	<u>Place of Origin</u>	<u>Destination</u>	<u>Item</u>
ONE	5/26/03	S.V.A., New York	Tony Wang Fremont, California	Check for \$350
TWO	3/22/04	T.D., Florida	Tony Wang Fremont, California	Check for \$760
THREE	7/20/05	J.S., Japan	June Chau Fremont, California	Check for \$7,036.99

All in violation of Title 18, United States Code, Section 1341.

COUNTS FOUR THROUGH NINE: (18 U.S.C. § 1343– WIRE FRAUD)

7. The factual allegations in paragraphs 1 through 4 are realleged and incorporated as if fully set forth here and in each of Counts Four through Nine below.

8. On or about the dates set forth below, in the Northern District of California and elsewhere, the defendant

TONY XIAOLIANG WANG

for purposes of executing the scheme and artifice to defraud described above, did knowingly transmit and caused to be transmitted by means of wire communications in interstate commerce certain writings, signs, signals, and pictures, as further set forth below:

///

<u>Count</u>	<u>Date</u>	<u>Point of Origin</u>	<u>Recipient</u>	<u>Communication</u>
FOUR	9/16/03	M.H., Japan	Xiao Liang Wang, Fremont, California	Wire transfer in the amount of \$8,110
FIVE	10/28/03	M.O., Virginia	Zhongxuan Wang, Fremont, California	Wire transfer in the amount of \$4,000
SIX	5/10/04	S.A., Maryland	Xiao Liang Wang, Fremont, California	Wire transfer in the amount of \$3,445
SEVEN	7/24/04	M.C., Illinois	Dan Wang, Fremont, California	Wire transfer in the amount of \$1,250
EIGHT	9/29/04	L.L., Texas	Andy Wang, Fremont, California	Wire transfer in the amount of \$ 3,350
NINE	7/26/05	J.S., Japan	June Chau Fremont, California	Wire transfer in the amount of \$3,475

All in violation of Title 18, United States Code, Section 1343.


DATED: 16-May-2007

A TRUE BILL.


FOREPERSON

SCOTT N. SCHOOLS
United States Attorney


MATTHEW A. PARRELLA
Chief, San Jose Division

(Approved as to form: )

AUSA HANLEY CHEW

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. 1341 (Mail Fraud)
 18 U.S.C. 1343 (Wire Fraud)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

See attached sheet

SEALED BY ORDER
OF THE COURT

CR

PROCEEDING
 Name of Complainant Agency, or Person (& Title, if any)
 U.S. Postal Service Special Agent Kristine Kearney

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.
 Name and Office of Person
 Furnishing Information on
 THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

Hanley Chew

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

TONY XIAOLIANG WANG

DISTRICT COURT NUMBER

07 00305

2007 MAY 16 P 2:48

 RICHARD W. WIEKING
 CLERK
 U.S. DISTRICT COURT
 NO. DIST. OF CA., S.J.
DEFENDANT**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☒ State

If answer to (6) is "Yes", show name of institution

Los Angeles Men's County Jail

 Has detainer been filed? ☐ Yes ☒ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS*
☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

Attachment to Penalty Sheet for

United States v. Tony Xiaoliang Wang

Counts One Through Three: Mail Fraud (18 U.S.C. § 1341)

Maximum Penalties: 20 years
\$250,000 fine or twice the amount involved in the offense
3 years of supervised release
\$100 mandatory special assessment

Counts Four Through Nine: Wire Fraud (18 U.S.C. § 1343)

Maximum Penalties: 20 years
\$250,000 fine or twice the amount involved in the offense
3 years of supervised release
\$100 mandatory special assessment